

MAY 12 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

M.D., a minor by and through his guardian  
ad litem, S.D.; S.D.; L.D.,

Plaintiffs - Appellants,

v.

OFFICE OF ADMINISTRATIVE  
HEARINGS, a state agency,

Defendant,

and

SADDLEBACK VALLEY UNIFIED  
SCHOOL DISTRICT,

Defendant - Appellee.

No. 07-56827

D.C. No. CV-06-00861-JVS

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
James V. Selna, District Judge, Presiding

Argued and Submitted April 6, 2009  
Pasadena, California

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

Before: PREGERSON and THOMPSON, Circuit Judges, and FOGEL,\*\* District Judge.

M.D. appeals the district court's denial of his partial summary judgment motion. We affirm.

We review the district court's summary judgment order de novo. *Regula v. Delta Family-Care Disability Survivorship Plan*, 266 F.3d 1130, 1138 (9th Cir. 2001). Neither 20 U.S.C. § 1415 nor CAL. CODE REGS. tit. 5, § 3087 required, nor was there an agreement between the parties, that the Office of Administrative Hearings ("OAH") incorporate the terms of a settlement pursuant to 20 U.S.C. § 1415(i)(3)(D)(i) into its order of dismissal.

AFFIRMED.

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\*\* The Honorable Jeremy D. Fogel, United States District Judge for the Northern District of California, sitting by designation.